

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:00-00001

WALTER J. SHEETS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On July 23, 2010, the United States of America appeared by Blaire L. Malkin, Assistant United States Attorney, and the defendant, Walter J. Sheets, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Keith E. Zutaut, the defendant having commenced a three-year term of supervised release in this action on January 25, 2008, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 16, 2000.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the state and local offense of obtaining goods under false pretenses inasmuch as on March 22, 2010, he rented a generator using a checking account that had no funds and then sold the generator for \$150, as evidenced by his stipulation on the record of the hearing that the government possesses sufficient evidence to prove the offense by a preponderance of the evidence; and (2) that the defendant failed to advise the probation officer ten days prior to any change in residence inasmuch as he advised the probation officer on March 15, 2010, that he was moving to the Men's Shelter at 505 Leon Sullivan Way, Charleston, West Virginia, and when the records were checked there by the probation officer they indicated the defendant never resided there, rendering his whereabouts unknown, as admitted by the defendant on the record of the hearing; and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SEVEN (7) MONTHS, to be followed by a term of TWENTY-NINE (29) MONTHS of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 27, 2010

  
John T. Copenhaver, Jr.  
United States District Judge